

**FILED**

In The United States District Court  
For The Western District of Texas  
Austin Division

JUL 18 2019

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature] DEPUTY

Alex JaRaun Howard as §  
Next Friend For §  
Alex Ricardo Saldana on §  
Behalf of Himself And on Behalf §  
of All Other Similarly Situated §  
TDCJ Offenders, §  
Plaintiffs, §  
vs. §  
Bryan Collier, et al., §  
Defendants §  
§  
§  
§

**A19CV0738LY**

Civil No. \_\_\_\_\_

Jury Demand

Declaration of Alex Ricardo Saldana In Support of  
An Emergency Injunction

To The Honorable Judge of said Court:

Alex Ricardo Saldana States:

1. "I have asked TDCJ offender Alex JaRaun Howard TDCJ#01684856 to proceed as my 'Next Friend' pursuant to Rule 17-FRCVP due to my dominant hand (right hand) having become previously severely injured.
2. "As a direct result of said previous severe injury, I have been unable to utilize my right hand because it goes numb intermittently, thus hindering my ability to effectively communicate through writing &/or typing;
3. "I believe that prison officials have been deliberately indifferent to my welfare by failing to protect me from the ongoing serious risks to my life, health, and safety;

4. "On 3/04/19, I mailed certified letters to Mr.Oscar Mendoza,Deputy Exec. Dir. of TDCJ (Mendoza) and Ms.Joni White,Asst. Dir. of TDCJ-State Classification and Records Office/State Classification Committee (White), explaining my need to be placed into Protective Custody/Protective Safe-keeping status (PSK-P6/P7) because I remain at a heightened risk for further violent attacks similar to or worse than what I have previously suffered during my imprisonment in TDCJ (since 2009).

5. "My history of incarceration demonstrates repeated brutal attacks against me by numerous prison gang members at several units with no serious security measures taken to prevent future gang attacks.

6. "On 3/19/19, I was interviewed by the the Unit Classification Committee (UCC) at TDCJ-Telford Unit (Telford).

7. "The UCC was comprised of Mr.Timothy S. Hooper, major of correction officers (Hooper); and Lieutenant Chadrick S. Clark,Lieutenant of correction officers; and Ms.Richelle L. Walter, program supervisor 1 (Walter).

8. "During the UCC each of the Committee members asked me several questions concerning my need to be promptly assigned to PSK.

9. "As a basis for the UCCs line of questioning, the Committee referred heavily to a report prepared and filed by Ms.Jenny L. Baird, Sergeant of correction officers/Unit Security Threat Group Management (Gang Intelligence) coordinator (Baird). Which they found discrepancies in, in contrast to my file history. Precisely with my prior history of having been attacked by multiple groups of prison gang members at several units. Yet, database records reflect only 6 offenders having been input as my 'enemies' list. (I believe that this demonstrates deliberate indifference) By the lack of TDCJ officials (including Baird) neglecting to update the database of my file pertaining to my 'Inmate Security Risk Assessment'.

10. "Between an OPI filed 3/15/19 and 3/19/19 Baird had never attempted

to speak with me nor refer me any questions concerning the ongoing serious threats to my life, health, and safety posed by several prison gang members throughout TDCJ. Therefore, neglecting to conduct a proper investigation I believe is deliberate indifference.

11. "At the conclusion of the UCC interview, based upon the facts in my classification file, along with the proven inadequate security measures that pose an extreme threat to my life, health, and safety, while merely assigned to 'regular' safekeeping status, Telford UCC recommended that I be promptly assigned to Protective Custody/Protective Safekeeping (PSK-P7) status.

12. "On 4/11/19, TDCJ-State Classification and Records office/State Classification Committee (SCC) denied the PSK recommendation of the Telford UCC, thus, continuing to keep me at risk of death or further serious bodily injury by General Population offender prison gang members.

13. "Despite my having been previously violently beaten by multiple prison gang members in TDCJ, on several units. I believe that SCC personnel are intentionally indifferent to providing me with the heightened level of individual protection offered by PSK, which I have learned is necessary to preserve my life, health, and safety.

14. "To further prove my need for PSK I would show that the deliberate indifference of prison officials led to an assassination order ('hit') being perpetually attempted against my life on several TDCJ units.

15. "These serious events that led to this juncture are as follows:

16. "Around 2009, I was assigned to TDCJ-Beto unit. I began attending Catholic Mass, participated in Kairos #42, New Converts religious class, A.A. sessions; I also enrolled in the Windham School district's "Middle Way" parenting course, cognitive intervention class, and Peer health education class. I took the THEA college preparation test with Trinity Valley Community College. Additionally, I completed several correspondence courses too, all while maintaining a job in the laundry dept.

17. "Then about 9/2010 TANGO BLAST prison gang members at TDCJ-Beto unit authorized a 'hit' to be carried out against me, when my then-cellmate Jorge ('Choche') Ayala was placed in Administrative segregation by Officer Vasquez (Gang Intelligence/STG officer) because of Ayala's gang activities.

18. "Ayala was the leader of the Beto unit's branch of the TANGO BLAST Prison gang. Which then this prison gang labeled me an informant 'snitch'.

19. "Although I was not a part of TANGO BLAST I was aware of the gang's illegal activities including the smuggling in and trafficking of major contraband items, including cell phones, narcotics, and tobacco.

20. "Around 11/2010, I was transferred to the TDCJ-Coffield Unit where, within 3 weeks time I was immediately attacked by a group of TANGO BLAST gang members.

21. "I was then transferred to the TDCJ-Telford Unit. On or about 12/23/2010, I was attacked just outside of 7-bldg by several TANGO BLAST gang members while returning from breakfast after only 2-weeks on Telford Unit.

22. "2 days later, on 12/25/2010, my mother came to visit me, visit photos clearly depict the brutality prison officials subjected me to by allowing TANGO BLAST gang members to continuously attack me, get familiar with my face and let the 'hit' on me snowball.

23. "Following this incident prison officials denied me 'regular' safekeeping status for which my mother pleadingly requested from State Classification employees.

24. "Around 01/2011, I was then transferred to TDCJ-Eastham Unit where out of fear I only went to church services a few times and earned a certificate of completion in both the 'Bridges to Life' and the 'A.A. Step-Study' course. However, despite my remaining uninvolved in prison gang activities a TANGO BLAST gang member known only to me by 'Yoshi', whom lived in my housing area, threatened to violently attack me if I did not pay \$400.00

to protect me from his fellow TANGO BLAST gang members and other gangs too.

25. "To keep from being further beaten such as I repeatedly was by TANGO BLAST gang members at Beto, Coffield, and Telford units, I fearfully complied with Yoshi's ultimatum.

26. "In 2013, 'Yoshi' was assigned to close custody (G5) status due to his having possession of a shank and synthetic marijuana (K2).

27. "Around October 2013 with no protection I was viciously attacked one evening, around 7:00 pm, after just awakening to prepare for my 3rd shift job as a cook, by several CRIPS gang members.

28. "The above gang members convinced Correction Officer Harris to unlock my cell door so they could attack me.

29. "The CRIPS gang members whom violently assaulted me were known only by their nicknames: 'T.G.', 'BayCity', 'Packin Fare', and 'C.T.'. They all threatened to stab me to death with a very long sharp steel shank if I did not give them all of my commissary and contraband tatoo items.

30. "T.G. was getting himself 'ready' to rape me until one his fellow assailants warned them to hurry up or Officer Harris would leave them locked inside of my cell.

31. "Due to the October 2013 violent attack on me by the CRIPS gang at Eastham unit, without acknowledging all my previous attacks by prison gangs specifically TANGO BLAST, I was once again merely transferred to the TDCJ-Michael Unit in 11/2013, making Michael Unit my 5th Unit in 4 years.

32. "Upon arriving at Michael Unit I was again interrogated by the TANGO BLAST gang members, due to my being a young latino they are always interested in my incarceration history.

33. "I evaded most of their numerous questions asked of me by the

TANGO BLAST gang members though I stayed under their scope.

34. "I eventually agreed to pay the TANGO BLAST gang members to keep them from attacking me. Nevertheless, I managed to complete the 'Doctor of Metaphysics' through correspondence course by Universal Life Church.

35. "Subsequently, around April 2015, I was downgraded to close custody status (G5) level for a major rule infraction.

36. "While housed in close custody status, multiple TANGO BLAST gang members forced me to hold their homemade alcohol and other contraband items.

37. "Additionally, a PURO WEST prison gang member named Brody (Meeklo) Oldfield, threatened to violently assault me if I did not pay him for 'protection' along with what I was paying TANGO BLAST already.

38. "Following that, I was upgraded to medium custody status (G4) and out of fear I was forced to continue holding onto whatever contraband items any TANGO BLAST gang member brought to me.

39. "Around 11/2016 on Thanksgiving Day, I observed several TANGO BLAST gang members literally preparing and equipping themselves to physically attack me and likely kill me.

40. "After having been previously attacked on Beto, Coffield, Telford, and Eastham Units I've become well aware and quite observant of gang members making preparations to assault me.

41. "In the instant matter they all had been drinking homemade alcohol which served to heighten their hostility towards me.

42. "With their growing suspicions regarding the inconsistencies they had learned of my incarceration history and because I am an easy target that's small in stature/skinny build, also had a youthful appearance, and real clean I recognized that the TANGO BLAST gang members were going to attack me, again.

43. "I promptly got on the Offender Telephone System (OTS) in the dayroom, called my father and explained everything to him. In turn my father immediately stopped his Thanksgiving Day celebrations to call Michael Unit's main switchboard and lodge an emergency complaint regarding the very serious dangers to my life.

44. "Shortly after my father's swift complaint of my life being in imminent danger, I filed a request for an Offender Protection Investigation (OPI). Which was ultimately denied in 11/2016, to which my life was in jeopardy I had to continuously file OPIs in Dec/2016-Jan/2017.

45. "While the investigation of 11/2016 was going on I learned from multiple sources that TANGO BLAST gang members had thoroughly planned a viciously savage attack against me to have ended with me being raped and stabbed by TANGO BLAST gang member only known to me as 'Psycho Mike'. So as to 'send a message' to anyother Confidential Informants such as I was for prison officials after all my prior attacks, having cooperated with them.

46. "It should be noted that in all these attacks and attempted 'hits', the gang members had sentences of 50 years or more that will keep them in TDCJ for decades, and after each attack I provided TDCJ-STG (GI) Officers with accurate Confidential information as to whom belonged to which gang and what specific contraband itmes were being trafficked in the prison unit ... jeopardizing inmate/officer safety/security. I clearly indicated I was ... providing 'confidential information' for the benefit of furthering the safety and security at all 5 of these units.

47. "After having provided Confidential information to TDCJ-STG (GI) Sergeant C. Divin, 12/2016 at the Michael Unit. STG=sgt. Divin put my life in danger even further by relaying several specific pieces of information I had stated to him, to several TANGO BLAST gang members including Paul (West-T) Ochoa, removing any doubt they may have held otherwise that I cooperate with prison officials, thus am a 'snitch', I believe was deliberate indifference that has increased the level of risk posed by TANGO BLAST against my life.

48. "Around 01/27/2017, based upon a December 2016 OPI conducted at Michael Unit, along with my loved ones notice of conferring with Legal counsel, I was transferred to the TDCJ-Hughes Unit and assigned to 'regular' Safekeeping status (s/k), wherein my custody level shifted from General population medium custody (G4) to 'regular' Safekeeping status medium custody level (P4).

49. "I believe and have learned that my having been assigned to s/k does not negate the ongoing serious threats, dangers, and risks to my life, health, and safety at the hands of other prisoners precisely prison gang members such as TANGO BLAST or at their direction.

50. "To me, these legitimate risks are imminent because s/k merely separates me from General Population Offenders in housing area and recreation times **only**, all other general/communal locations beyond these two areas are openly amongst General Population Offenders (GP) with absolutely NO distinguishable differences between s/k prisoners and GP offenders. Including at church services/classes and at all meals in dining halls (a nationally known violent area in prisons).

51. "Currently, in order to accomodate my own safety needs I purposefully refuse to goto all meals, chapel services, ongoing medical treatment, dental, law library, and education programs. otherwise I would literally be perpetually forced to suffer the above serious threats and risks to my life, health, and safety.

52. "S/k prisoners are regularly forced to be mixed, combined, and circulated alongside many of the exact same predatory and violent GP prisoner gang members whom we are supposed to be protected from and whom officials to me, seem to deliberately continue to be derelict in their duty to protect me and other similarly situated s/k offenders in throughout TDCJ systemwide.

53. "What is more, throughout my classification records defendants have had awareness of the validated 'hit' which TANGO BLAST has against my life, yet it appears to me and my loved ones that TDCJ prison officials maintain



the status quo by their failure to provide me, specifically, with the added level of more aggressive and effective protection offered by Protective Safekeeping (PSK) status.

54. "It is my sincere belief, and that of my loved ones, that I should be promptly assigned to PSK status as an absolute necessity before I am attacked again by TANGO BLAST or at their direction, for as long as they may have access to me it is merely a matter of when and not if.

55. "Additionally, as normal practice that can be proven by the record, 'regular' s/k offenders are ordered by TDCJ prison staff to: be handcuffed to GP offenders when being transported to or from locations on a mass transfer bus, s/k offenders are regularly locked inside dining halls and medical waiting cages alongside GP offenders, s/k offenders are normally placed in the law library, education classrooms, and chapel spaces, all with GP offenders.

56. "Furthermore, enroute to and from all said locations s/k offenders are always openly merged among GP offenders without an officer escort and as is most often, not an officer within sight at all, due to the staff shortages.

57. "I believe that s/k offenders are only offered the most minimal level of protection which is obviously proven to be ineffective as several incidents have shown including but not limited to these more recent occasions that are not isolated incidents but a common problem TDCJ neglects to protect.

58. "I recently learned that minimum custody s/k offender Alex JaRaun Howard (Howard), while assigned to the TDCJ-Stiles Unit s/k, was stabbed repeatedly by a General Population prison gang member while Howard was enroute with s/k to the dining halls.

59. "I have reviewed similar facts as to mine, that multiple prison officials ignored Howard's repeated complaints requesting protection and Howard's pleading to be sufficiently protected from TDCJ prison gang members.

60. "Nevertheless, I believe that because multiple prison officials were intentionally indifferent to Howard's need for adequate and effective protection, Howard was stabbed multiple times on November 06, 2018 at Stiles.

61. "The record will reflect that as a direct result of the stabbing Howard was admitted to Baptist Hospital of Beaumont to be treated for multiple injuries sustained. See, TDCJ-Office of the Inspector General case #1800012370.

62. "Next, is the incident of Johnny Howard Taylor, who is another minimum custody s/k offender also assigned to the TDCJ-Stiles Unit, where around September 2018, he was violently beaten by a GP offender while Taylor was sitting in his assigned s/k housing area dayroom.

63. "The above GP offender not showing any distinguishable distinctions differentiating GP from s/k offenders, was admitted into the s/k housing area, by officers, wherein the GP offender then began pummeling Taylor(s/k offender) until he (the GP offender) knocked out 4 of Taylor's front teeth and fractured Taylor's nasal cavities. The GP offender in Taylor's incident was a confirmed TDCJ-prison gang member.

64. "As detailed above, these two events are among many other similar attacks on s/k offenders by GP offender prison gang members and I believe demonstrates sufficient reason which greatly substantiates that my being in 'regular' safekeeping (s/k) status does not provide me with the adequate effective protection that my particular situation calls for, from my known and proven enemies, namely, TANGO BLAST prison gang members-at-large (the largest hispanic prison gang/STG in TDCJ).

65. "Additionally, facts will support that only 2 TDCJ s/k prison units are minimum security units while the remaining TDCJ s/k units are all maximum security prison units, ranging from a prisoner population of 2,640-3,000 offenders, making clear this is not unit-specific.

66. "Around August 2018, I was reassigned to the TDCJ-Telford Unit,

where I was previously violently attacked by GP offenders TANGO BLAST in December 2010.

67. "On 11/19/18, I was interviewed by Telford UCC and upgraded my custody level from P3 to P2 because I have completed (a decade) my tenth year incarcerated.

68. "During the interview I was assigned a job in the Laundry dept., which would require me to walk to the otherside of the Unit, mixing amongst GP offenders without any officer escort.

69. "For fear of being recognized by my previous attackers or GP offenders TANGO BLAST gang members and attacked again I failed to ever report to this job assignment in laundry, precisely for my life and safety.

70. "In addition to forced attempts for me to report to job in laundry, while combined with GP offenders, I would also have to eat among GP offenders then return to my housing area during mass movement, without an officer escort.

71. "Because I failed to report to work, due to the very serious dangers to my life, health, and safety, I believe the Telford Unit Laundry dept. also was deliberately indifferent by their issuances of 3 disciplinary reports: #20190080024, #20190089577, and #20190091480. I was threatened with more disciplinary actions despite my having clearly and thoroughly explained my prior attacks and the gang assassination contract issued against my life, not to forget this is a unit I was attacked by TANGO BLAST on in 2010.

72. "On 2 of the 3 disciplinary reports I was found 'Not Guilty' after a minor case hearing officer (Lt.Duncan) reviewed my computerized records and determined that my history substantiates my reasoning for not turning out for fear of being recognized by TANGO BLAST gang members and attacked again as a 'legitimate reason'.

73. "Shortly thereafter I was found 'Guilty' on the 3rd disciplinary report by a different minor case disciplinary hearing officer (Lt.Hack) despite him having a computer to look into my history as Lt.Duncan did to verify my reason for turning out to laundry would jeopardize my safety, he refused to check my record and by his negligence I was disciplined for having to make my own safety and security precautions for my life, health, and safety.

74. "Around the same time I also filed Step-1 grievance #2019043404 wherein prison officials completely ignored the issue of my safety which was the basis of the grievance.

75. "On or around 12/11/18, I was finally removed from the Laundry dept. roster.

76. "Nonetheless, on approximately 01/11/19, I was abruptly assigned another work assignment in the 'Inside Yard' squad, which would of required me to work alongside, mingle among, and eat with Gp offenders, as well.

77. "I failed to ever report to the above work assignment because doing so might likely be the precipitating factor in my being attacked, again, by a group of TANGO BLAST gang members or other GP offenders who are willing to fulfill the hit TANGO BLAST has placed on my life.

78. "I informed the prison officials supervising the Inside Yard squad that I am at an exceptionally high risk of being violently attacked by gang members, yet, they still ordered me to work and move around about among GP offenders (though I refused and never did) until the medical dept. restricted me from working due to the severely debilitating past injury to my right hand.

79. "Since becoming assigned to safekeeping status (s/k), for my own safety I have not at all visited the chapels, enrolled in any personal enrichment programs offered by TDCJ or its affiliates, worked at any job-assignments, and I have only made absolutely necessary medical appointments.

80. "To prove that I am in fear of the ongoing serious threat to my life, for I know, have seen, and have been dealt what the TANGO BLAST gang members are capable of doing, that I point to the record that I have eaten meals very seldomly in the dining halls as reflected by the computerized TDCJ Meal Tracking System and it is afflicting my health, though for the sake of my safety."

Verification

Pursuant to 28 U.S.C. § 1746, I, Alex Ricardo Saldana TDCJ #01582353, presently incarcerated at the TDCJ-Telford Unit, situated in Bowie county, Texas, hereby declare under penalty of perjury that the foregoing statements are true and correct.

Executed this 12 day of July, 2019.

By: \_\_\_\_\_



Alex Ricardo Saldana, Declarant-Plaintiff  
TDCJ #01582353 Telford Unit  
3899 State Hwy 98  
New Boston, Texas 75570